

May 24, 2007

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Marlene H. Dortch, Secretary
Federal Communications Commission
Room TW B-204
445 12th Street, S.W.
Washington, DC 20554

**Re: Alarm Industry Analog Sunset Petition; WT Docket No. 01-108,
RM-11355**

Dear Ms. Dortch:

On behalf of its members and over 235 million mobile wireless subscribers, CTIA – The Wireless Association® (“CTIA”) responds to recent *ex parte* letters and press reports regarding eleventh hour attempts by the Alarm Industry Communications Committee (“AICC”) and ADT Security Services Inc. (“ADT”) to narrow their petition for a two year extension of the requirement that wireless carriers continue supporting analog service compatible with Advanced Mobile Phone Service (“AMPS”) specifications.¹ CTIA opposes AICC’s and ADT’s latest attempts to illegally gain an extension of a date set in the Commission’s rules and thereby garner preferential treatment for its analog to digital transition.

The Commission is not responsible for any harm to the alarm industry’s customers, the alarm industry had five years, and still has eight more months, to transition its customers and avoid any problems.

The Commission has provided parties with over five years to transition from analog to digital services.² In anticipation of the sunset, other parties have converted their equipment in time to accommodate the analog to digital transition. As ATX Group, Inc., the second largest provider of telematics technology and services for the automotive industry, detailed in its comments:

The transition to digital equipment has demanded investment and effort by ATX and its partners. It encompassed changing vehicle owner expectations with regard to legacy equipment. It has entailed additional workload demands

¹ See, e.g., Letter from John A. Pendergast, counsel for the Alarm Industry Communications Committee and ADT Security Services Inc., to Marlene H. Dortch, FCC, filed May 18, 2007; Letter from John A. Pendergast, counsel for the Alarm Industry Communications Committee and ADT Security Services Inc., to Marlene H. Dortch, FCC, filed May 11, 2007.

² See *Year 2000 Biennial Regulatory Review – Amendment of Part 22 of the Commission’s Rules to Modify or Eliminate Outdated Rules Affecting Cellular Radiotelephone Service and Other Commercial Mobile Radio Services*, WT Docket No. 01-108, Report and Order, 17 FCC Rcd 18401 (2002) (*Analog Transition Order*).

on automobile service centers. It has meant shifting operations to a digital environment for equipment manufacturers, customers, vehicle owners and carriers. ATX pursued these actions relying on the Commission's rules; that the Commission meant what it said when it established the February 19, 2008 sunset date. In the context of the proposal to extend the sunset to 2010, it would be difficult if not impossible for ATX to brake the present transition path. Systems and expectations are geared to a February 19, 2008 sunset.³

AICC and ADT have never claimed that they cannot transition their customers from analog to digital radios. Indeed, AICC and ADT have conceded that digital radios are available. Moreover, AICC and ADT cannot claim that they were unaware of the transition. Rather, AICC and ADT have simply argued that such a transition would be cumbersome. As the above passage from ATX's comments details, that transition has been logistically and financially cumbersome, but certainly achievable, for other parties as well – including parties providing mobile wireless services with proven public safety benefits. The latest request by AICC and ADT hardly justifies extension of the Commission's five year transition to the February 19, 2008, analog transmission rule sunset.

AICC and ADT now claim they may be willing to shorten the geographic scope and length of their request. That is cold comfort to those carriers still impacted by the revised request. As the Commission observed in the *Analog Transition Order*, maintaining an analog service requirement impedes competition by mandating use of an inherently spectrum-inefficient technology and imposing higher costs on carriers that have upgraded to digital networks or are in the process of doing so.⁴ As a result of that Order, wireless carriers have planned their business models with an eye toward complete replacement of outdated and inefficient analog technology with the latest digital technology. Wireless carriers have made every effort to make their customers aware of the transition.⁵ In addition to imposing crushing costs on wireless carriers, extension of the sunset will significantly undermine efforts by wireless carriers to transition to next generation wireless broadband services that consumers so clearly desire, as well as provide Phase II E-911 service to those consumers.

³ See Comments of ATX Group Inc., RM-11355, WT Docket 01-108, filed January 19, 2007.

⁴ See *Analog Transition Order* at paras. 8-12.

⁵ See, e.g., Letter from John T. Scott, III, Verizon Wireless, to Marlene Dortch, FCC, filed April 30, 1997; Letter from Brian Fontes, AT&T Mobility, to Marlene Dortch, FCC, filed May 11, 2007.

These concerns led a bipartisan group of 24 United States Representatives to send a letter to the Commission opposing the extension of the analog sunset.⁶ We share those concerns and urge the Commission to maintain the current February 19, 2008 analog sunset date, upon which wireless carriers and their customers have relied since 1992. Pursuant to Section 1.1206 of the Commission's Rules, this letter is being electronically filed with your office. If you have any questions concerning this submission, please contact the undersigned.

Sincerely,

/s/ Christopher Guttman-McCabe

Christopher Guttman-McCabe

cc: Chairman Kevin Martin
Commissioner Michael Copps
Commissioner Jonathan Adelstein
Commissioner Deborah Taylor Tate
Commissioner Robert McDowell
Erika Olson
Bruce Gottlieb
Barry Ohlson
Aaron Goldberger
Angela Giancarlo
Roger Noel
Richard Arsenault

⁶ See Letter from U.S. Representative Jay Inslee et al., to Chairman Kevin J. Martin, FCC, dated May 4, 2007.